

Application No. 10/700,761
Amendment Dated September 27, 2006
Reply to Office Action of March 28, 2006

REMARKS

In the Office Action dated March 28, 2006, claims 1-11 were examined with the result that all claims were rejected. The Examiner made the rejection final. In response, Applicant has filed a Request for Continuing Examination and the present Amendment wherein claim 1 has been revised. In view of the RCE, the above amendments and the following remarks, reconsideration of this application is requested.

As the Examiner can see, claim 1 has been amended to call for two separate laminate structures, each having a flexible, substantially non-stretchable substrate and a cling film layer. The Examiner will note that claim 1 now specifically calls for not only the two laminate structures, but requires that when the autoadhesive surface of the second cling film layer engages the autoadhesive surface of the first cling film layer, it forms a peelable cling-to-cling interface, and it is that peelable cling-to-cling interface that provides a peel strength of 1,000 g/inch or less, and a shear strength greater than 4 hours. Support for this amendment can be found in the specification as filed as for example in connection with Figures 3, 6, 9, 12 and a corresponding description relating to these figures. Thus, no new matter has been added to claim 1.

In the Office Action, claims 1-11 were rejected under 35 USC §112, second paragraph as being indefinite. The Examiner indicated it was unclear as to what surface the autoadhesive surface was suppose to cling to because a second cling film had not been claimed. Accordingly, as noted above, Applicant has revised claim 1 to call for a second laminate structure which includes a second base layer and a second cling film layer. Therefore, Applicant believes claim 1 is now definite, and requests the Examiner withdraw the §112, second paragraph indefiniteness rejection of claims 1-11.

In the Office Action, claims 1-11 were rejected under 35 USC §102(b) as anticipated by, or in the alternative under 35 USC §103(a) as obvious over Carroll et al U.S. 2002/0019187 as well as Gardner et al U.S. 2002/0071944 and further rejected under 35 USC §102(e) as anticipated by or, in the alternative, under 35 USC §103(a) is obvious over Mathis et al U.S. 2004/0224596. Each of the rejections of claims 1-11 based upon

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these three references were substantially identical in the Office Action, and Applicant believes all three of the rejections can be dealt with in the same manner. Accordingly, the following comments apply equally to each rejection in each reference.

Each of Carroll et al, Mathis et al and Gardener et al teach breathable laminates. These breathable laminates are made by bonding a substrate such as a non-woven onto some kind of breathable layer. Bonding of these two layers can be done by pressure, adhesives, ultrasonics, etc., but the bond between these two layers is a substantially permanent bond and not a peelable bond. In the making of a soft goods article such as a disposable diaper, it would be undesirable for a breathable back sheet to be peelable from the non-woven layer. Thus, the bonds referred to in Carroll et al, Mathis et al and Gardener et al are not peelable bonds.

The peel and shear strengths referred to in each of Carroll et al, Mathis et al and Gardener et al is not that of a cling-to-cling interface between two autoadhesive surfaces, as claimed by Applicant. The peel and sheer strengths referred to in Carroll et al, Mathis et al and Gardener et al are thus totally different than the peel and shear strengths referred to and claimed by Applicant for a cling film to cling film interface. Although Applicant claims a laminate typically comprised of a non-woven bonded to a cling film layer, the peel strength defined in claim 1 is between the cling-to-cling autoadhesive surfaces and not the bond between the film layer and the non-woven substrate. The latter bond is substantially permanent whereas the bond between the cling-to-cling autoadhesive surfaces is peelable.

Finally, none of the three references cited teach, show or describe a laminate structure as now claimed. None of the references disclose two separate laminate structures having autoadhesive surfaces that are peelable from each other as claimed.

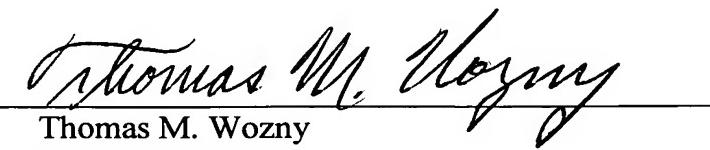
Applicant thus believes claim 1 is clearly distinguishable over Carroll et al, Mathis et al and/or Gardener et al. Applicant requests the Examiner withdraw the §102 and §103 rejections of claims 1-11 based on these three references.

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An effort has been made to place this application in condition for allowance and such action is earnestly requested.

Respectfully submitted,

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